

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

JODI C. MAHDAVI,

Plaintiff

v.

NEXTGEAR CAPITAL, INC.

Case No. 1:14-cv-0648

and

P.A.R. SERVICES, INC.,

Defendants.

UNOPPOSED MOTION FOR TEMPORARY RESTRAINING ORDER

COMES NOW, Plaintiff, Jodi C. Mahdavi, (“Mahdavi” or “Mrs. Mahdavi”) by Counsel, pursuant to Rule 65 of the Federal Rules of Civil Procedure and Virginia Code § 8.01- 622, and respectfully moves this Court for a Temporary Restraining Order against Defendant, NextGear Capital, Inc. (“NextGear”), and in support thereof, respectfully states the following:

1. In the instant matter, Mrs. Mahdavi seeks to prohibit NextGear or its agents from selling a 2013 BMW 650i Gran Coupe with a vehicle identification number (“VIN”) of WBA6B4C53DD097953 (hereinafter the “BMW”).

2. This case was originally filed in Fairfax County Circuit Court on May 29, 2014.

3. On that date Mrs. Mahdavi filed her Complaint and an emergency motion for temporary restraining order and preliminary injunction, which have been docketed in this Court in this matter as Document 1-A, Complaint.

4. On May 30, 2014, the undersigned and counsel for NextGear appeared before the Calendar Control Judge of the Fairfax County Circuit Court who set a hearing for Monday June

2, 2014 on the Plaintiff's motion for a temporary restraining order.

5. NextGear removed the matter to this Court on or about May 30, 2014, however, the case was not docketed in this Court until June 4, 2014.

6. Concurrently herewith, Mrs. Mahdavi has filed a Motion for Preliminary Injunction, and has noticed a hearing on that motion for June 20, 2014 at 10:00 A.M.

7. NextGear intends to oppose the Motion for Preliminary Injunction and disputes Mrs. Mahdavi's claims herein, but consents to the relief provided for in the attached proposed Consent Temporary Restraining Order, attached hereto as Exhibit 1.

8. Entry of the attached proposed Consent Order preserves the status quo between the parties until the hearing on the Preliminary Injunction motion.

9. Defendant, P.A.R. Services, Inc., is not a necessary party to the instant motion as NextGear possesses or controls the BMW that is the subject of the instant motion.

10. Based on the foregoing, Plaintiff's Unopposed Motion for Temporary Restraining Order should be granted.

11. A hearing on the instant Unopposed Motion for Temporary Restraining Order is waived.

WHEREFORE, the Plaintiff, Jodi C. Mahdavi, by Counsel, respectfully requests the Court to grant her Unopposed Motion for Temporary Restraining Order, to enter the attached proposed Consent Order, and for such other relief the Court deems appropriate.

Dated: June 6, 2014

Jodi C. Mahdavi
By Counsel

LEVINE, DANIELS & ALLNUTT, PLLC
Heritage Square
5311 Lee Highway
Arlington, Virginia 22207
Telephone: (703) 525-2668
Facsimile: (703) 525-8393
jonathan.levine@levinedaniels.com

By /s/ Jonathan E. Levine
Jonathan E. Levine, Esquire
VA Bar ID 45572
Counsel for the Plaintiff, Jodi C. Mahdavi

SEEN AND NOT OBJECTED TO:

WILLCOX & SAVAGE, P.C.
440 Monticello Avenue, Suite 2200
Norfolk, VA 23510
Telephone: (757) 628-5500
Facsimile: (757) 628-5566
awinsky@wilsav.com

By: /s/ Ashley W. Winsky (by Jonathan E. Levine pursuant to authorization
Ashley W. Winsky, Esquire given by Ashley W. Winsky by email on 6/6/2014)
Virginia Bar ID No. 79224
Counsel for Defendant, NextGear Capital, Inc.

CERTIFICATE OF SERVICE

I hereby certify on that the foregoing Unopposed Motion for Temporary Restraining Order was served on June 6, 2014 via CM/ECF on Ashley W. Winsky, Esquire, Willcox & Savage, P.C., 440 Monticello Avenue, Suite 2200, Norfolk, VA 23510 and by first-class mail and facsimile to April Rector, Manager, P.A.R. Services, Inc., 6504 Yochelson Place, Clinton, MD 20735.

/s/ Jonathan E. Levine
Jonathan E. Levine, Esquire